

THE NEW YORK, NEW HAVEN AND HARTFORD R. R. CO.
OFFICE OF DIVISION SUPERINTENDENT.

B

Taunton, Mass., May 21, 1913.

Mr. Francis D. Newton, Selectman,
Southborough, Massachusetts.

Dear Sir:-

This will acknowledge the receipt of your
letter of May 19th, relative to our freight trains block-
ing the crossings at Fayville and Southborough Center -

We will handle this matter with all concerned
to prevent a recurrence, and thank you kindly for calling
it to our attention.

Truly yours,



Superintendent.

12

TELEGRAM

The New York, New Haven & Hartford Railroad Co.

Office From	Sender	Receiver	Time
Sen	G	Ry.	5:30 P.M.

From Taunton 4-27 1912

To C. E. McKinnon

Train 605-5 found half a tie on
track today ^{sent} between Southboro and
Marblehead. Please notify the town
authorities and advise
W. H. F.

Handwritten notes:
575-11
18

Address *W. F. Dr. Newton* MAY 6 1912
 Pro. No. *176* Initial and No. of Car *W. F. 75679* Cash in all cases on delivery of goods.
 No. *176* To THE NEW YORK, NEW HAVEN & HARTFORD R. R. CO., Dr.
 Transportation from *Philada, W. B. No. 11130* Date *4/26/12* Pro. No.

Shipper	No.	Articles and Marks	Weight	Rate	Charges
<i>Mufarony</i>	<i>1</i>	<i>Bdl</i>			
<i>Original Car</i>	<i>1</i>	<i>crit: 1 Horse cart</i>			
		<i>2 wheels K.D.</i>			
		<i>Hayle cart</i>			
		<i>1 Bdl "</i>	<i>180</i>	<i>70</i>	<i>Paid</i>

FREIGHT BILL
 All claims for loss must be made on delivery of goods.
 MAKE CHECKS PAYABLE TO THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.

Received Payment for the Company

Advances
 Total
 Cartage

Address *Town of Southboro* Station, *Southboro* Consignee
 Pro. No. *42* Initial and No. of Car *W. F. 2605* MAY 7 1912
 No. *42* To THE NEW YORK, NEW HAVEN & HARTFORD R. R. CO., Dr.
 Transportation from *W. B. No. 134* Date *5/3* Pro. No.

Shipper	No.	Articles and Marks	Weight	Rate	Charges
<i>Frank</i>					
<i>Finer</i>					
<i>Horse Co</i>	<i>1</i>	<i>Rd. Rub Horse</i>	<i>85</i>		<i>Paid</i>

FREIGHT BILL
 All claims for loss must be made on delivery of goods.
 MAKE CHECKS PAYABLE TO THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD CO.

Received Payment for the Company

Advances
 Total
 Cartage

JOSEPH BURNETT COMPANY.

36 INDIA STREET.

Boston, Nov. 28, 1910.

Charles H. Newton, Esq.,

Town Clerk,

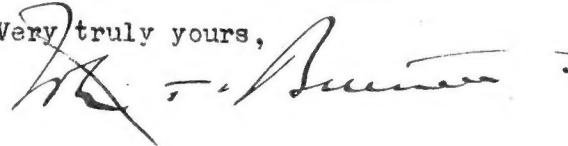
Southboro, Mass.

Dear Sir:

I enclose herewith letter received from the Attorney of the N. Y. N.H. & H. R. R. Co., and also copy of the petition to the Superior Court accepting the resignation of Mr. McCall as commissioner, and the appointment of Arthur W. DeGoosh of Boston in his place.

I thought you might want these for your files.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J. H. Burnett", is written over the typed phrase "Very truly yours,".

The New York, New Haven and Hartford Railroad Company

ETC, SOUTH STATION

BOSTON, MASS.

a-2

Law Department

November 23, 1910

Mr. John T. Burnett,

Southboro, Mass.

Dear Mr. Burnett:-

I send herewith proposed decree accepting Mr. McCall's resignation and appointing Mr. DeGoosh in his place on the Southboro grade crossing commission. If you will return the same to me with the assent of the selectmen I will undertake to get the decree allowed.

Enclosed also is a carbon for your files.

Yours truly,

J. A. Fenham

Attorney.

encl 2-1

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

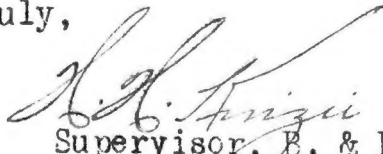
Taunton, Mass., July 19th, 1910.

Mr. F. D. Newton,
Chairman, Board of Selectmen,
Southboro, Mass.

Dear Sir:--

It has been reported that the planking of floor of overhead bridge #542, known as Lavelle's Bridge located about one-half mile north of Fayville requires repairs. As I understand it this bridge was put in under the Grade Crossing Act and it is understood that the Town maintains the wearing surface of the floor and without doubt you will make necessary repairs in due time.

Yours truly,


Supervisor, E. & B.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

HHK

Taunton, Mass., July 22nd, 1910.

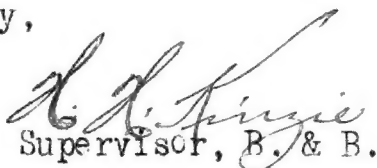
Mr. Francis D. Newton,
Chairman, Board of Selectmen,
Southboro, Mass.

Dear Sir:--

Replying to your favor of July 21st in reference to Highway Surveyor, Mr. Gould, stating that the timbers or stringers of overhead bridge #542 located just south of Southboro Station are badly decayed and in his opinion unsafe to replank.

I wish to advise that I will have our Bridge Foreman Mr. Hastings meet Mr. Gould at Southboro Station on Monday morning next on arrival of the 9:18 A. M. train at Southboro who will make an inspection with Mr. Gould to determine if possible the condition of the stringers. If the floor and stringers of the bridge are in such condition as to be unsafe for traffic repairs should be made as soon as possible.

Yours truly,


Supervisor, B. & B.

COMMONWEALTH OF MASSACHUSETTS.

To the Board of County Commissioners for the County of
Worcester:-

Respectfully represent the directors of the Old Colony Railroad Company that in their opinion it is necessary for the security and convenience of the public that an alteration which does not involve the abolition of a crossing at grade should be made in the crossing where the highway crosses under the railroad of your petitioners about one mile easterly from Fayville station in the town of Southboro, in the approaches and in the bridge at the crossing.

Wherefore they pray that your board shall, after due notice, hear all parties interested, and prescribe the manner and limits within which such alteration shall be made.

By their Attorney,

F. A. Farnham.

COMMONWEALTH OF MASSACHUSETTS.

Worcester ss.

At a meeting of the County Commissioners of the County of Worcester, begun and holden at Worcester, within and for said County, on the second Tuesday of September, A. D., 1904, and by adjournment on the first day of November, A. D., 1904, On petition aforesaid, it is Ordered, That notice be given to all persons interested therein, to appear at a meeting of said Commissioners, appointed to be holden at Passenger Station of the Old Colony Division of the New York, New Haven and Hartford Railroad Company in Fayville, Southborough in said County, on Wednesday the seventh day of December next, at ten of the clock in the forenoon, by publishing an attested copy of said petition and of this Order thereon, in the Worcester Daily Telegram a Newspaper printed in Worcester, in said County, once a week three weeks successively, the last publication to be fourteen days, at least, before the time of said meeting.

And it is further Ordered, That the Sheriff of said County, or his Deputy, serve the Clerk of the said town of Southborough with an attested copy of said Petition and Order, thirty days, at least, and also post up an attested copy thereof in two public places in said town fourteen days, at least, before the time of said meeting, at which time and place the said Commissioners will proceed to view the premises described in said Petition, to hear all persons interested therein, who may desire to be heard, and take such action in relation thereto as by law they may be authorized or required to do.

Attest, Irving F. Dwinneil Asst. Clerk.

A copy of the petition and order.

Attest, Irving F. Dwinneil Asst. Clerk.

Attest Francis D. Newton Deputy Sheriff

Commonwealth of Massachusetts.

Commissioners:

HAROLD PARKER, Chairman.

~~JOHN H. MANNING.~~

WILLIAM D. SOHIER.

AUSTIN B. FLETCHER, Secretary.

Massachusetts Highway Commission,

15 Ashburton Place, Boston.

June 19, 1909.

Mr. F. D. Newton,

Chairman of Selectmen,

Southboro, Mass.

Dear Sir,-

In reply to your letter of June 14, concerning the plans for the abolition of the grade crossing in Southboro, I beg to state that you may keep the plans, if you wish; but be sure that you do keep them, and do not lose them, as they may have to be referred to later, and I haven't another copy of them.

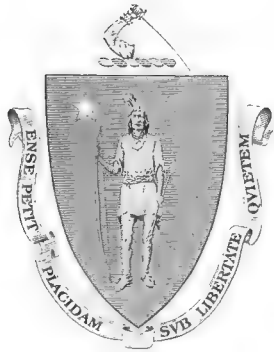
In regard to the proposed State highway work in Southboro I beg to state that the survey of the road has been made and the plans are now being plotted. As soon as they are completed copies of them will be sent to you for your use and information in securing releases from the owners of property along the road; and at the same time the specifications for the town work will be prepared.

Yours truly,

Harold Parker

Chairman.

maq.



H. W. Hayes,
Engineer of Grade Crossings
Office, 8 Beacon Street.

Commonwealth of Massachusetts,
Office of the
Attorney General,
Boston.

May 20th, 1909.

Charles F. Choate, Jr.

60 State Street,

Boston, Mass.

Dear Sir;-

Having been asked by the Commission on the elimination of the grade crossing at Main St. Southborough to make a draft for their report, will you please send me the following information?

To what parties was notice of a hearing given?

In what paper was publication made? *Chronicle*

Was notice posted in two public places in the

Town?

What was the date, time and place of the first

hearing?

Town Hall. Southborough July 20 1908

Who appeared for the several parties?

Settlement for Town

Thanking you in advance, I am,

very truly yours,

H. W. Hayes

Engineer of Grade Crossings.

JOSEPH BURNETT COMPANY.

36 INDIA STREET.

Boston, Oct. 25, 1909.

Charles H. Newton, Esq., Town Clerk,
Southboro, Mass.

Dear Sir:-

I enclose herewith copy of the order of the Board of Railroad Commissioners consenting to changes in the grade of the New York, New Haven & Hartford Railroad in Southboro. This is preliminary to their final decision relative to the abolition of the grade crossing.

Very truly yours,

A handwritten signature in dark ink, appearing to be "J. H. Newton", is written over a horizontal line.



Com. . ealth of Massachusetts

IN BOARD OF RAILROAD COMMISSIONERS

[7505]

October 7, 1909.

Petition of Louis A. Frothingham and Eugene C. Miltman, special commissioners, for consent to changes in the grade of the New York, New Haven and Hartford railroad in Southborough.

It appearing that certain changes in the grade of the New York, New Haven and Hartford railroad in the town of Southborough are incidental to the plan proposed by the special commission for the abolition of the grade crossing of Main street and the railroad in that town,- it is

ORDERED, That the consent of the Board be hereby given to the proposed changes in the grade of the New York, New Haven and Hartford railroad, as apparently necessary if the plan adopted by the special commission is to be carried out; this action, however, in no wise to prejudice the right of any person to suggest different action with regard to changes in the grade of the railroad at the final hearing before this Board upon the approval of any plan for abolishing this crossing.

Attest:

[Signed] CHARLES E. MANN,

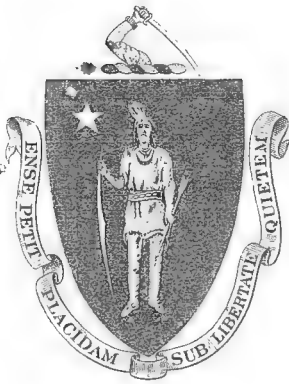
A true copy.

Clerk.

Attest:

Charles E. Mann,

Clerk.



Commonwealth of Massachusetts
Board of Railroad Commissioners
20 Beacon Street,
Boston.

October 7, 1909.

Mr. John T. Burnett,

Selectman of Southborough,

26 India Street, Boston, Massachusetts.

Dear Sir,-

I enclose copy of the order of the Board consenting to changes in the grade of the New York, New Haven and Hartford railroad in Southborough; also order of notice on the petition of the selectmen of Southborough for certificate relative to abolition of grade crossing of Main street in that town.

Very truly yours,

Charles E. Ma...

Clerk of the Board.

res.

Commonwealth of Massachusetts.

Commissioners:

HAROLD PARKER, Chairman.

~~JOHN M. MANNING~~
WILLIAM D. SOHIER.

AUSTIN B. FLETCHER, Secretary.

Massachusetts Highway Commission,

15 Ashburton Place, Boston.

June 11, 1909.

Mr. Frank D. Newton,
Chairman of Selectmen,
Southboro, Mass.

My dear Mr. Newton:-

I am sending you, under a separate cover, blueprints of the revised plan for the abolition of the grade crossing in Southboro.

As you will see, the accepted plan of the Special Commission is almost exactly in accordance with the contention of the town of Southboro, the only change that I can see in this plan is as to the steps leading from the present grade of the station down to the new grade of the track. This change in the location of the steps seems to me to be on the whole an improvement, and is in no way objectionable from our point of view.

I congratulate you on being able to have secured from this Commission the order which is in effect, precisely what the town contended for.

I have written to the Chairman of the Special Commission stating that this finding meets with the approval of the town of Southboro.

Please let me know at once if this wholly meets with your approval.

Yours truly,

Harold Parker

SELECTMEN'S OFFICE,
TOWN OF SOUTHBOROUGH.

July 20 1908

Hearing held today at 10 A.M. at Lower
Union Hall in regard to the abolition of
the Grade Crossing at Southboro Center.

Chas H. Newton

Clerk to Selectmen

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

OFFICE OF THE SUPERINTENDENT, TAUNTON DIVISION.

M-M

TAUNTON, MASS.,

April 9, 1907

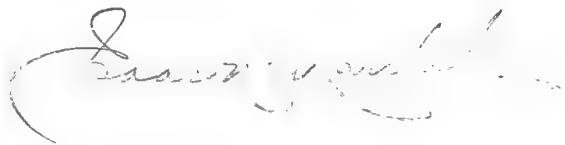
Mr. Francis D. Newton,
Post Office Box 157,
Fayville, Mass.

Dear Sir,-

Referring again to your letter of March 28th in regard to land that was bought by this company from Sullivan D. Newton at the time the second track was laid, and your inquiry as to the purchase of part of this land.

I would ask in what way you expect to get to this land if the company should sell it, as I do not see by the plans of land in that vicinity that you own land adjoining? I would be glad to have this information in order that I may properly take the matter up with our general office.

Truly yours,

A handwritten signature in cursive script, likely of the Superintendent, written in dark ink.

Superintendent.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

JWP

Boston, Mass., May 23rd, 1907.

Chairman of the Board of Selectmen,

Town of Southboro, Mass.

Dear Sir:--

It is reported that the planking where the electrics pass over the bridge, north of Marlboro Junction is in bad condition, and I would ask whether, as you understand the matter, it is the duty of the electric railway people to make these repairs or whether it is up to the town or to the railroad company to do this work.

The bad places are between the rails of the electric railway company's tracks.

Yours truly,

J. W. Pearson
Division Engineer.

CHOATE, HALL & STEWART,

CHARLES F. CHOATE, JR.
JOHN L. HALL.
RALPH A. STEWART.
FREDERICK H. NASH.

508 SEARS BUILDING,
WASHINGTON STREET.

BOSTON, MASS.

March 25, 1907

Mr. Francis D. Newton,
Fayville, Mass.

Dear Frank:-

Last February I took up with Mr. Parnham of the New Haven Road the matter of Commissioners on the Grade Crossing and he and I agreed upon a commission consisting of Samuel W. McCall, Louis Frothingham, who was formerly a speaker in the House of Representatives, and Henry Adams, a Civil Engineer, here in Boston, as Commissioners. I waited until Mr. McCall came back to see if he would serve, and he says he can. I think this would be an excellent commission. If they are satisfactory to your board, will you let me know and I will get them appointed.

Yours truly,

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

CIVIL ENGINEER'S DEPARTMENT.

JWP/H


Boston, Mass., April 10th, 1906.

Mr. Francis D. Newton,
Southboro, Mass.

Dear Sir,-

In answer to your letter of April 7th relative to the painting of fence on the new bridge to Marlboro Road, would say that we will have this fence painted at an early date.

Yours truly,


Division Engineer.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

JWP/c

CIVIL ENGINEER'S DEPARTMENT.

Boston, Mass., Feb. 14, 1905.

Mr. Charles L. Fairbanks,
Chairman Board of Selectmen,
Southboro, Mass.

Dear sir,-

Early this morning the overhead bridge located between Southboro Station and Marlboro Junction was partially burned making it necessary for us to fence in a portion of this bridge.

I have arranged to have lights placed on temporary fence at night, and see no reason why this bridge cannot be safely used until repairs are made.

We expect to have bridge in good condition early next week.

Yours truly,

A handwritten signature in cursive script, reading "J. W. Pearson".

Division Engineer.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

JWP/C

CIVIL ENGINEER'S DEPARTMENT.

Boston, Mass., August 19, 1905.

Mr. Charles L. Fairbanks,
Chairman Board of Selectmen,
Southboro, Mass.

Dear sir:-

We are beginning the construction of a second track from Southboro to Marlboro Junction. In order to do this, it will be necessary for us to rebuild the overhead bridge between those two points, and to widen the cut at that place, and also erect a new bridge. Before we order this new bridge, or commence the work, I should be pleased to meet you on the ground, and show you by plans and demonstration just what it will be necessary for us to do; this in order that there may be no misunderstanding after the work has been begun or completed.

If you will name a day, other than Saturday, when it will be convenient for you to meet me at this bridge, I should be pleased to be there.

Yours very truly,



Division Engineer.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

JWP/C

CIVIL ENGINEER'S DEPARTMENT.

Boston, Mass., Oct. 3d, 1905.

Mr. C. L. Fairbanks,
Chairman Board of Selectmen,
Southboro, Mass.

Dear sir:-

After meeting you at Southboro yesterday, I arranged with our foreman to close the street leading to the overhead bridge near Marlboro Junction, and have arranged to have the same protected with lights while this work is in progress.

Yours very truly,

A handwritten signature in cursive script, reading "J. W. Pearson". Below the main signature, there is a smaller, less legible handwritten mark that appears to be "WCB".

Division Engineer.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

JWP/C

CIVIL ENGINEER'S DEPARTMENT.

Boston, Mass., October 5th, 1905.

Mr. Chas. L. Fairbanks,
Clerk Board of Selectmen,
Southboro, Mass.

Dear sir:-

In answer to your letter of October 4th, regarding the location of barriers in the street leading to the overhead bridge near Marlboro Junction, would say that I shall be there at the bridge tomorrow, Friday, at eleven o'clock, and, if convenient, I should be pleased to meet you there, as we desire to have this work done satisfactorily to your Board, and any changes that we can make there to benefit this, we shall be glad to make.

Yours very truly,



Division Engineer.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

JWP/C

CIVIL ENGINEER'S DEPARTMENT.

Boston, Mass., Oct. 7th, 1905.

Mr. C. L. Fairbanks,
Clerk Board of Selectmen,
Southboro, Mass.

Dear sir:-

Yesterday, while at the overhead bridge near Marlboro Junction, I arranged with the foreman to change the location of the fence which closes the street, and I think that as it is located at present there will be no more complaints. I told Mr. Blanchard, the foreman, however, to make any changes you thought necessary without further instruction from me. I think, however, everything will be satisfactory as at present arranged.

Yours very truly,

J. M. Pearson
Division Engineer.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

JWP/C

CIVIL ENGINEER'S DEPARTMENT.

Boston, Mass., July 16, 1904.

Chairman,

Board of Selectmen,

Southboro, Mass.

Dear sir,-

In connection with building the double track from Framingham to Southboro, it becomes necessary to make some changes in the masonry at various bridges.

While this work is being done, it will interfere somewhat with the travel, and, if agreeable to you, I would like to meet you on the ground, on arrival of a train from Boston, at some date convenient for you, when I would show you plans and explain in detail what is necessary to do. Any date the latter part of next week will be agreeable to me Saturday excepted.

Yours truly,

J. W. Pearson
Division Engineer. *WEL*

J. W. Pearson, Division Engineer,

Room 463 South Terminal Station,

Boston, Mass.

W. R. R.*The New York, New Haven and Hartford Railroad Company**Department of Law, Real Estate and Taxes (Boston Office)**South Station, Room 570**Boston, Mass.*

February 15th, 1904.

Mr. E. C. Choate,

Selectman, Southboro.

Dear Sir:-

Yours of February 5th at hand in reference to the grade crossings in Southboro. I regret to say that we are still so swamped with this kind of work that it will be impossible for the present to devote any engineer to this particular problem in reference to determining method of elimination. We do not wish to tire you out in this matter, or to delay it unduly. We are so crowded, however, that we must ask for a further postponement of the matter for the present.

Yours truly,

F. J. Townsend

Attorney

CHARLES F. CHOATE, JR.
JOHN L. HALL.
ATTORNEYS-AT-LAW.

506 - 507 SEARS BUILDING,
WASHINGTON STREET.
TELEPHONE, MAIN 3418.

BOSTON, MASS. March 5, 1902.

Charles L. Fairbanks, Esq.,
Southborough, Mass.

My dear Mr. Farnham:-

Please find enclosed draft of petition
for *the* Southborough Grade Crossing as requested. If you want
to get this matter started please have it signed by all the
Selectmen and return to me.

Yours truly,

The New York, New Haven, and Hartford Railroad Company.
Department of Law, Real Estate, and Taxes (Main Office)

New Haven, Conn. February 26, 1902.

C. F. Choate, Jr., Esq.,
Chairman, Selectmen of Southboro, Mass.

Dear Sir:-

We have received petition of the Selectmen for elimination of Main street crossing in Southboro. I have had plan and estimate made by the engineer with a view of determining the cost. The plan consists in taking Main street over the tracks and deflecting it slightly to the north so that the new south line of Main street would practically coincide with the old north line of Main street throughout that portion west of the tracks. The approximate estimate, exclusive of land and damages, is about \$33,500. and his guess of land damages brings the total amount up to \$41,000. or \$42,000., which he regards as the least amount for which it could be done. The expense of this is so great that we do not like to undertake it for the present, at least while so many heavy expenses in the way of elimination are pressing upon us. Can you tell me whether the attitude of your board is such that the matter can be deferred?

Yours truly,

F. A. Farnham

Acting Attorney.

November 10 1949

Operating Department,
The New York, New Haven and Hartford Railroad Co.,
Boston, Mass.

Att. Mr. W. S. Carr, Superintendent.

Dear Sir:

We have your two letters dated Oct. 27th and 28th in regard to distant warning signs at the Main Street crossing in Southborough and the Central Street crossing in Fayville.

Would you be good enough to give us some further information in regard to these signs? Are they required by law or erected at the option of the Town? Type, wording, and distance from crossing recommended?

We can seem to find no record as to when these signs were removed or under what circumstances.

With regard to public safety at these two crossings, would it be possible to arrange to have a trainman flag the crossings with either a flag or red light before the passing over of your trains?

Very truly yours,

Board of Selectmen

HEH/h

Chairman.



WORCESTER COUNTY RETIREMENT SYSTEM
OFFICE OF THE TREASURER
COURT HOUSE
WORCESTER, MASS.

Retirement

MEMBERS OF THE BOARD

MYRON F. CONVERSE, CHAIRMAN
WESLEY E. MELLQUIST, SECRETARY
JOHN W. FELLOWS, TREASURER

January 30, 1948

COPY TO BOARD OF SELECTMEN

To the Treasurer of the Town of Southborough

DEAR

Since the towns of Worcester County have now been members of the Worcester County Retirement System for seven months, I feel this would be an appropriate time to write you thanking you for your fine co-operation in assisting this office in the administration of the System and also to clarify our mutual duties as required by the Retirement Law.

1. MONTHLY REPORTS:

A. Beginning January 1, 1948, monthly reports will **not** be accompanied by copies of the Town payrolls or vouchers. Instead of the payrolls or vouchers the Town Treasurers will place on the Form No. 11 the names of **all** employees who were paid any money by the Town during the month covered by the report **whether or not such employees are members of the System**. If an employee is **not** a member of the System, there **must** be a symbol shown on the deductions column in place of the retirement deduction. The following five symbols will be used:—

W. (Waived). This Symbol will be used only when notice has been received by you stating that an employee, in service of the town on July 1, 1947, has elected not to become a member of the Worcester County Retirement System and has filed a duly executed waiver of all benefits which might accrue to him if he became a Member. Whenever the name of an employee in this category appears on the Report, this Symbol should be used in the deduction column in lieu of the retirement deduction.

E. O. (Elected Official). Any person elected to a Town Office after July 1, 1947, if under age fifty-five on the date of his election, may become a member of the System by filing with the Worcester County Retirement Board, on a prescribed form, a written application for membership within ninety days after the date of assuming office. However, if an Elected Official is already a member of the System by virtue of his employment in some other position, deductions will be made from his salary as an Elected Official. This Symbol will be used for Elected Officials who hold no other position and who do not file application for membership in the System within the allotted period of time.

E. (Emergency Employee). Emergency Employees are excluded from membership in the Worcester County Retirement System. Whenever an Emergency Employee appears on the Town Treasurer's Monthly Report, this symbol should be used in the deduction column in lieu of the retirement deduction. An Emergency Employee is a person employed for emergency reasons. If an Emergency Employee is carried more than six months on the report, deductions should be made.

O. A. (55 years of Age or Over). Any person while over age fifty-five who becomes an employee of a town after the date this System becomes operative to such town, shall not become a member of this System. Whenever an employee in this category appears on the Town Treasurer's Monthly Report, this symbol should be used in the deduction column in lieu of the retirement deduction.

FEB 5 - REC'D

Ugust 22

October 7, 1946

Mr. S. J. Polson
Division Engineer
N. Y. N. H. & H. R. R.
South Station
Boston, Massachusetts

Dear Sir:

Our Chapter 90 Construction contract on Central Street, Fayville, requires the widening of the railroad crossing three feet on the Southborough side, and six feet on the Framingham side, as well as, the removal of the old ties on the north side of the crossing where the double track used to be.

We would very much appreciate your early attention to the above matters.

Yours truly,

BOARD OF SELECTMEN

Hamilton C. Cushing
Clerk.

Copy: RW Sealey

May 22, 1945

Mr. G. P. Elliott, Division Engineer
N. Y. N. H. & Hartford Railroad Co.
Room 470 South Station
Boston 10, Massachusetts

Dear Sir:

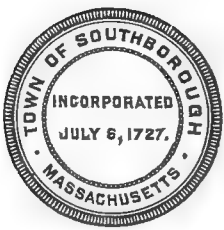
We again call your attention to the condition of the Main Street crossing in Southborough center. This crossing is very rough and in need of repair, and as we understand that there is some work to be done on this section soon, we feel that this would be an ideal time to have the matter taken care of. We also suggest the painting of the fences on the White Bagley Road bridge and the Westborough Road bridge. The method of painting the boards black and white so as to show up well, is most satisfactory.

Thank you for your prompt attention to similar matters in the past.

Yours truly,

BOARD OF SELECTMEN

Hamilton Armstrong
Clerk.



TOWN OF SOUTHBOROUGH

OFFICE OF TOWN COUNSEL

SOUTHBOROUGH, MASS.

ELEONORA FANTONY BURKE

September 6, 1945

Mr. George Burnett, Chairman
Board of Selectmen
Town of Southborough, Mass.

Re: N.Y., N.H. & Hartford Railroad Case

Dear Mr. Burnett:

On September 5, 1945, I appeared in Superior Court Worcester and succeeded in having the above case dismissed.

Very truly yours,

Eleonora F. Burke

EFB:b





TOWN OF SOUTHBOROUGH

OFFICE OF TOWN COUNSEL

SOUTHBOROUGH, MASS.

ELEONORA FANTONY BURKE

September 1, 1945

Mr. George Burnett, Chairman
Board of Selectmen
Town of Southborough, Mass.

Dear Mr. Burnett:

Re: Town of Southborough vs.
N.Y., N.H. & Hartford R.R. Co.

I have checked into the above matter as mentioned in my letter of August 30, 1945. I find that in 1936 there had been a finding and ruling that the Town pay to the Railroad \$210.00 as its share of the cost of repairing of a grade crossing and fee of Commission appointed. This has been done by the Town prior to my taking over as Counsel. However, no final decree has been entered dismissing the Town and there is no evidence that the Commonwealth of Massachusetts has paid its share of the expense of the Commission as required by the ruling in 1936. Thus the case remains on the docket for disposition. I shall appear on the 5th of September to take steps to have the action dismissed in so far as the Town of Southborough is involved.

Very truly yours,

Eleonora F. Burke

EFB:b

RECEIVED
SEP 7 1945

November 30, 1944

The New York, New Haven and Hartford Railroad Co.
Office of Division Engineer
Room No. 470 South Station
Boston 10, Mass.

Attention: Mr. K. F. Richardson

Dear Sir:

In reply to your letter regarding the Southborough Main Street Crossing, may we suggest that the next time your repair crew is in Southborough, that they contact our Superintendent of Streets, Mr. Robert W. Sealey, in regard to this crossing and a drain nearby.

Yours truly,

BOARD OF SELECTMEN

Hamilton C. Strong
Clerk,

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
Office of Division Engineer
Rm. No. 470 South Station
Boston 10, Mass.

September 15, 1944

Mr. Hamilton Armstrong, Clerk
Board of Selectmen
Town of Southborough, Mass.

Dear Sir:-

Referring to your letter of August 31 addressed to Mr.
W. E. Mullins, Superintendent, regarding complaints received
about the condition of the Main Street Crossing.

Would advise that we made repairs to this crossing on
September 12 and trust that conditions are now satisfactory.

Very truly yours,

G. P. Elliott,
Division Engineer

By *G. P. Richardson*

KFR-htc



August 31, 1944

Mr. W. E. Mullins, Supt.
Boston Division
The N.Y., N.H. and H. Railroad Company
Boston, 10, Mass.

Dear Sir:

We have had several complaints about the condition of the Main Street Crossing.

The road surface has become quite rough, and is in need of repair. As we understand that this is the responsibility of the Railroad Company, we would appreciate your early attention to this matter.

Yours truly,

BOARD OF SELECTMEN

Hamilton Armstrong
Clerk.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

OPERATING DEPARTMENT

W. E. MULLINS

SUPERINTENDENT

BOSTON DIVISION

BOSTON 10, MASS., July 21, 1944

Mr. Hamilton Armstrong, Clerk,
Board of Selectmen
Town of Southborough
Southborough, Mass.

Dear Sir:

With reference to your letter of May 25th and my acknowledgment of May 31st, in regard to the installation of flashinglight signals at the crossing at Southborough Center:

As there is only one freight train movement in each direction and one light engine movement in each direction in 24-hour period, we do not feel the installation of flashinglight signals at this crossing is warranted.

Very truly yours,

W. E. Mullins
Superintendent

1-1

W. E. Mullins

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

OPERATING DEPARTMENT

W. E. MULLINS

SUPERINTENDENT

BOSTON DIVISION

BOSTON 10, MASS., April 27, 1944.

Board of Selectmen,
Town of Southboro,
Southboro, Mass.

Gentlemen:

I am in receipt of advice that distant warning sign and post on the east side of Main Street Crossing, Town of Southboro, are still missing and should be replaced.

As stated in letter of November 13, 1943, under provisions of the law maintenance and renewal of these signs, after once furnished by the Railroad Company, are obligations of the city or town within whose limits they are located.

Yours very truly,

W. E. Mullins
Superintendent.





The Commonwealth of Massachusetts

*Department of
Public Utilities*

State House, Boston
July 6, 1944

Selectmen of Southboro
Southboro, Mass.

Gentlemen:

This is to acknowledge receipt of copy of your letter dated May 25, 1944 addressed to Mr. W. E. Mullins, Superintendent Boston Division, New York, New Haven & Hartford Railroad Company regarding Southboro Center grade crossing protection.

We have contacted Mr. Mullins and are advised that the Railroad is considering the matter of improved protection, as requested by you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "W. H. Kirley".

William H. Kirley
Director
Div. of Ry. & Bus Utilities

WHK:DR



May 25, 1944

Mr. W. E. Mullins, Superintendent
Boston Division
New York, New Haven and Hartford R. R. Co.
Boston 10, Mass.

Dear Sir;

We wish to call your attention to the fact
that the New York, New Haven and Hartford Railroad
Crossing in Southborough Center is entirely unprotected.

It is the desire of the Board of Selectmen
that Flashing Signals of the type commonly used at such
crossings be erected.

We trust that you will give this matter your
early attention.

Yours truly,

BOARD OF SELECTMEN

Hamilton Armstrong
Clerk.

cc: Dept. Public Utilities.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

OPERATING DEPARTMENT

W. E. MULLINS

SUPERINTENDENT

BOSTON DIVISION

BOSTON 10, MASS., May 31, 1944

Board of Selectmen
Southborough, Mass.

Dear Sirs:

This to acknowledge your letter of May 25th,
in regard to crossing at Southborough Center.

Investigation will be made and we will
advise you our decision.

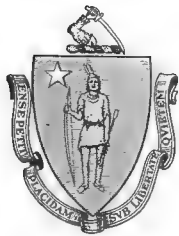
Very truly yours,

W. E. Mullins
Superintendent

1-1

RECEIVED
JUN 2 - 1944
(H.C.)

RR's.



The Commonwealth of Massachusetts

*Department of
Public Utilities*

State House, Boston

May 25, 1943

Arthur Hosmer,
Chairman of the Board of Selectmen
Southboro, Mass.

Dear Sir:

On May 4, 1943 I conferred with you regarding the request made to this Department by the New Haven Railroad Company that they be given permission to remove the crossing gates at Main Street in Southboro. At that time you advised me that you desired to get the sentiment of the rest of your board on this subject which would be the following Friday night and after talking with them, you would advise me as to whether the board as a whole were agreeable to having the gates removed.

I have not heard from you since that time on this matter.

The Railroad Company have again asked the Department for permission to remove the gates and before I make a report on this matter to the Department, I would like to have your Board state as to whether in their opinion there would be any objection to the removal of said gates.

Will you please write me on this at your earliest convenience.

Very truly yours,

W. E. Christie

W. E. Christie
Inspector

WHH/lc

RR
June 24, 1943

Mr. W. E. Christie, Inspector
Department of Public Utilities
State House, Boston, Mass.

Dear Sir:

At a meeting of the Board of Selectmen held June 18, 1943, it was voted in favor of the removal of the crossing gates on the New Haven Railroad at Main Street, in Southborough; provided the Railroad will install a set of automatic warning signals of the red flasher type commonly used at railroad crossings.

We feel that this crossing is a particularly dangerous one, and that such means of warning should be provided for the public safety.

Yours truly,

BOARD OF SELECTMEN

By: *Hamilton Armstrong*

Clerk.

BS:HA

Wynnton R
Pub. Trans.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
THE NEW ENGLAND STEAMSHIP COMPANY
NEW ENGLAND TRANSPORTATION COMPANY

TRAFFIC DEPARTMENT
SALES AND TRAFFIC DEVELOPMENT

Boston, Mass., May 26, 1942.

File 20-1

Gentlemen:

We have an inquiry for a site containing approximately 200 acres of fairly clear level land that can be served, preferably, by two railroad lines, or at least one line of railroad.

The property does not have to be owned by one person and it will not be necessary to consult the owners at present, or at least until we have had an opportunity to look at it. In fact, we do not need to know the owners' names, although if they are available, will be glad to receive this information.

A large building would be erected, costing well over \$1,000,000, it is believed, and over 1,000 people employed. The operation would be of a non-nuisance character.

Please advise quickly if you have such an area in your community, stating the approximate size, street location, and how we may find it so that a trip may be made to look it over.

Very truly yours,



Perry Benjamin
Traffic Development Agent.

COPY

February 12, 1942

Mr. Michael P. Cronin, Mayor
City of Marlborough, Mass.

Dear Sir:

Enclosed is a copy of a letter forwarded
this date to the New York, New Haven & Hartford
Railroad Company regarding the re-establishment of
passenger train service on this line.

If you have had any contact with the
Railroad Company in this matter, we would be interested
to hear from you.

Yours truly,

BOARD OF SELECTMEN

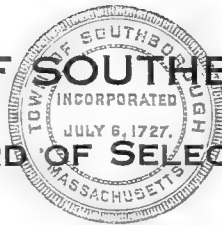
By: *Hamilton Armstrong*

Clerk.

BS:HA

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN



JOPY
February 12, 1942

New York, New Haven & Hartford R. R. Co.
New Haven, Connecticut

Gentlemen:

In response to the requests of many of the residents of this Town, we are writing you to inquire as to the possibility of the re-establishment of passenger train service, at least twice a day, on this branch of your line.

In view of present conditions it is indeed a necessity, and we would appreciate hearing from you soon on this matter.

Yours truly,

BOARD OF SELECTMEN

By: *Hamilton Armstrong*
Clerk.

BS:HA

*File
replied*

COPY

October 1, 1941

Mr. W. E. Mullins, Supt.
N. Y. N. H. & H. R. R.
South Station
Boston, Massachusetts

Dear Sir:

It is our desire to extend the width of
the paved surface on Central Street in Fayville;
in so doing, we require a sixty-foot right of way
across the railroad.

Kindly let us hear from you soon on this
matter.

Yours truly,

BOARD OF SELECTMEN

By *Hamilton Armstrong*

Clerk.

BS:HA

COPY

Ind. Sec. Sec.

August 26, 1940

Mr. P. E. Benjamin, Industrial Agent
N. Y. N. H. & H. Railroad Company
Boston, Massachusetts

Dear Sir:

In reply to your letter of August 19, 1940;
I am enclosing a map of the Town of Southborough, on
which I have marked roughly, a piece of land which is
the property of Pasquale and Joseph Mauro of this Town.

This land is now used as a hay field, and
might be of interest to you. Information as to acreage
and boundaries could be obtained from the above-named.

Trusting this information will be of value to
you.

Yours truly,

Hamilton Armstrong

Clerk, Board of Selectmen

H:h
Enc.

March 13, 1940

Mr. J. Elliot
Room 406
South Station Building
Boston, Mass.

Dear Sir:

As you know from a recent conversation with our representative, we are planning improved drainage which would necessitate entrance on property of the New Haven Railroad.

Would it be possible to obtain an easement allowing the Town to lay a drain through the yard, and to the west, of the Southborough Station, thence into a small brook near the old coal sheds.

Thanking you for an early reply.

Yours truly,

BOARD OF SELECTMEN

BY: *Hamilton Armstrong*
Clerk

waived
3/13/40
ka

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
in Equity
No. 411

Selectmen of the Town of Southborough,
Petitioners.

STIPULATION

In the above entitled cause the parties hereto, namely, the Commonwealth of Massachusetts, the Town of Southborough, the Old Colony Railroad Company and The New York, New Haven and Hartford Railroad Company, hereby agree and stipulate:

(1) That on or about December 8, 1909, The New York, New Haven and Hartford Railroad Company paid to Eugene C. Hultman the sum of \$700, to Louis A. Frothingham the sum of \$700, and to Samuel W. McCall (who had succeeded Arthur W. DeGoosh) the sum of \$700, the said three persons constituting the grade crossing commission duly appointed in the above entitled cause, and that said payments totaling \$2100 were paid after having been approved by a justice of the Superior Court. (As appears by photostat copies of bills, and court approval, attached hereto.)

(2) That the said The New York, New Haven and Hartford

entitled to be reimbursed directly or indirectly from the Commonwealth in a sum greater than 25% on the principal sum without interest; that the New York, New Haven and Hartford Railroad Company shall look directly for re-imbursement of 10% by the town of Southborough of the principal sum without interest.

(4) That no auditor having been appointed for the purpose of saving unnecessary expense and to permit this Court to act all parties hereto waive any question as to procedure and more particularly any reference or submission of said items of expense to an auditor, any approval by such auditor and any acceptance of such auditor's report by the Court; it being the intent of the parties hereto that this Court upon this stipulation shall have the power to make, and shall make, such entry, order, or decree as may be proper and lawful finally to dispose of this pending petition.

COMMONWEALTH OF MASSACHUSETTS

By Raymond E. Sullivan,
Asst. Atty. General.

TOWN OF SOUTHBOROUGH

By Edward T. Simoneau

OLD COLONY RAILROAD COMPANY

THE NEW YORK, NEW HAVEN AND
HARTFORD RAILROAD COMPANY

By A. W. Blackman

File
Wynne

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

TRAFFIC DEPARTMENT
SALES AND TRAFFIC DEVELOPMENTW. J. LANDON
SALES AND SERVICE AGENT

Boston, Mass., August 19, 1940.

File 20-1

Board of Selectmen,
Southborough, Mass.

Gentlemen:

We have an inquiry for 30 to 40 acres of farm or industrial land for the purpose of erecting a modern industrial plant within 20 to 30 miles of Worcester. The land should be fairly level and clear of heavy growth and sufficiently solid to avoid necessity of driving piles to support the factory buildings. It should also be close enough to the tracks of the N.Y.N.H. & H. RR to permit installation of a sidetrack to serve the buildings.

Please advise promptly if there is available in your town or city a parcel of land that meets with this description. Kindly furnish us with a general idea as to the location, showing what street or streets it is located on or near.

Very truly yours,

P. C. Benjamin
Industrial Agent.

h

ANSWERED
AUG 26 1940
RECEIVED

WATRY

SOUTHBOROUGH, MASS.

Proposed Elimination of Grade Crossing at Main Street.

Estimated Cost.

Construction:

Fill,	19600 cu. yds.	at \$.50	\$ 9800.
Street surface, 1200 "	" "	" .75 gravel	900.
Catch basins,	2		70.
Drain pipe, 8",	100 ft.		75.
Concrete,	32 cu. yds.	at 10.00	320.
"	770 "	" " 7.00	5390.
Bridge,			<u>2500.</u>
			\$19055.
Engineering and contingencies 10 ⁰ /o,			<u>1905.</u>
			\$21960.

Exclusive of land damage.

Com. of Mass.
Dep't of Att'y Gen.
Eng. of Gr. Crossings.
Boston, Sept. 1908.

*File
WJL:TH*

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

TRAFFIC DEPARTMENT
SALES AND TRAFFIC DEVELOPMENT

W. J. LANDON
SALES AND SERVICE AGENT

Boston, Mass., September 3, 1940

File 20-7-Land

Mr. Hamilton Armstrong,
Clerk, Board of Selectmen,
Town of Southborough,
Southborough, Mass.

Dear Sir:

Thank you for your letter of August 26th, enclosing
map of the town of Southborough.

To facilitate the listing of the parcels of land
referred to in your letter, would you be good enough to fill
in such important information as is readily available, on
the attached forms, and return them to this office?

Thanking you for your cooperation, I am

Very truly yours,

W. J. Landon
Industrial Agent

LAC/R

ANSWERED
SEP 14 1940

RECEIVED
SEP 4 - 1940

WATER

June 30th, 1937

Arthur W. Blackman, Esq.,
Law Department,
New York, New Haven & Hartford Railroad Co.,
Boston, Mass.

Re: Town of Southborough (E. G. C.)

Dear Mr. Blackman:

I have your letter of June twenty-ninth, together with the letter from Mr. Hopkins, Assistant Clerk of Court to you under date of June twenty-eight.

It is obvious that no execution can issue in this case against the town of Southborough, because the final decree is to be based entirely upon the compliance with the decree already entered. In these circumstances, I would suggest that the railroad execute a release to the town of Southborough for the amount found to be due, and also that you file a statement of the compliance by the town of Southborough.

I would suggest the following form:

"The New York, New Haven and Hartford Railroad Company, petitioner in the above entitled matter, hereby acknowledges that it has received from the town of Southborough the sum of Two Hundred and Ten Dollars (\$210.00), the amount found to be due the said petitioner by decree entered on"

If you will send me the release and statement of compliance, I shall arrange with the Selectmen for payment.

Arthur W. Blackman, Esq.,
Boston, Mass.

June 30th, 1937

A final decree can be entered when
the Commonwealth has settled with you.

I return Mr. Hopkins' letter.

Yours very truly,

ETS:D

COPY

WATER

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Law Department,

Boston, Mass.

June 29, 1937

Edward T. Simoneau, Esq.,
186 Main Street,
Marlborough, Mass.

Dear Mr. Simoneau:

I took up with Mr. Hopkins, Assistant Clerk of the Worcester Court, the matter of getting executions in those old grade crossing cases. He wrote me first that no executions could be taken out against the Commonwealth, which is of course true. Then I requested executions against the municipalities, which he had written he could send. I now enclose his letter received today.

In the circumstances, what do you suggest that we do? We should, of course, like to get our money and I should be very glad to send you any form of agreement or decree later, or satisfaction endorsed on an execution, if, as and when we can get them.

Very truly yours,

(signed) A. W. Blackman

AWB CT
Enclosure

Counsel

EDWARD T. SIMONEAU
COUNSELLOR AT LAW
MARLBOROUGH, MASS.
7-8 COREY BUILDING

June 30th, 1937

Dr. Charles M. Proctor,
19 Bay State Road,
Boston, Mass.

Re: Town of Southborough (E. G. C.)

Dear Dr. Proctor:

Enclosed, you will find copy of a letter from Arthur W. Blackman, attorney for the New York, New Haven and Hartford Railroad Company, to me, a letter from W. S. B. Hopkins, assistant clerk of the Superior Court, and a copy of my reply to Mr. Blackman.

Upon receipt of the release and statement of compliance referred to in my letter to Mr. Blackman, I shall forward the same to you so that you may authorize payment of the amount due the railroad.

Yours very truly,

Edward T. Simoneau

ETS:D
Encs. (3)

COPY

WTRR

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF WORCESTER
Office of Clerk of the Courts
Worcester

June 28, 1937

A. W. Blackman, Esq.,
Counselor at Law,
460 South Station,
Boston, Mass.

My dear Mr. Blackman:

When I came to make out the executions against the Towns in those old grade crossing cases Nos. 411 and 2176, I found that in both cases the final clause in Judge Whiting's findings and rulings was as follows, - "A further decree may be entered that upon the performance of the decree above referred to, that no further relief is required; and that no further proceedings be had herein, and that it be a final decree." That apparently leaves us in the situation where we have no final decree and I do not see how executions can be issued until we have received some notice of the compliance of the findings and rulings of the Court.

Very truly yours,

(signed) W. S. B. Hopkins
Asst. Clerk

WSBH-t

WARR

EDWARD T. SIMONEAU

COUNSELLOR AT LAW

MARLBOROUGH, MASS.

7-8 COREY BUILDING

June 25th, 1937

Dr. Charles M. Proctor,
19 Bay State Road,
Boston,
Mass.

Dear Doctor Proctor:

A. W. Blackman, attorney
for New York, New Haven and Hartford Railroad
is to request the Clerk of the Superior Court,
Worcester, to issue an execution against the
town of Southborough in the amount found by
Judge Whiting to be due the railroad. As soon
as the execution is received, he will communicate
with me, and then the check can be sent along
to him. Upon its receipt, he will send me the
execution "fully satisfied" to be filed in court.

Yours very truly,

Edward T. Simoneau

ETS:D

EDWARD T. SIMONEAU
COUNSELLOR AT LAW
MARLBOROUGH, MASS.
7-8 COREY BUILDING

January 11th, 1937

Dr. Charles M. Proctor,
19 Bay State Road,
Boston, Mass.

Re: Discontinuance train service, N.Y., N.H. & H. R.R. Co.

Dear Dr. Proctor:

Mayor Lyons, of Marlborough, writes
me as follows:

"In reply to your communication of the 7th inst., please be advised that it will be a pleasure to have the Selectmen of Southborough and yourself as Town Counsel for them to add your protest with the City of Marlborough against the discontinuance of train service between Marlborough and Framingham by the New York, New Haven and Hartford Railroad Co. We are going to have a public meeting in the City Council Chamber and you and the Selectmen are cordially invited to be present.

Trusting that we will have the pleasure seeing you there at the meeting at 9 P.M., I remain,"

I shall meet you at City Hall, in Marlborough, at the time appointed for the meeting.

Yours very truly,

ETS:D

Edward T. Simoneau

Claims
W.H. RR

EDWARD T. SIMONEAU
COUNSELLOR AT LAW
MARLBOROUGH, MASS.
7-8 COREY BUILDING

March 18th, 1936

Mr. George H. Burnett,
Southborough,
Mass.

My dear Mr. Burnett:

The case of Selectmen of the town of Southborough, Petitioners, for the Abolition of Grade Crossing in Southborough, was continued by Mr. Justice Whiting of the Superior Court, until Tuesday, April 14th, 1936. As the matter stood at the hearing on March tenth, he has no jurisdiction. The court cannot take jurisdiction on motion for a final decree until the auditor's report has been filed or there is an agreement in lieu of the report. The court clearly indicated that he would not allow interest to the railroad in case jurisdiction is conferred upon him by either agreement of counsel or by an auditor's report. While he did not definitely state that he would enter a decree apportioning the expense incurred by the railroad in November, 1909, the implication of his statement was that he would make such a decree when the matter was ripe.

At the hearing, Mr. Arthur W. Blackman, counsel for the railroad produced a bill submitted by Samuel W. McCall, Chairman of the Commission appointed by the court shortly after the filing of the petition, which had been approved by Mr. Justice Fessenden, and which was later transmitted by Judge Greenhalge, counsel for the railroad, who was then an assistant attorney general. There is no question but that the railroad actually paid the amount for which it now seeks re-imbursement in part.

In my opinion there is no way in which the town may be relieved of its liability unless it should be upheld that section 14 of chapter 417 of the acts of 1930, automatically vacated all of

March 18th, 1936

Mr. George H. Burnett,
Southborough, Mass.

the proceedings heretofore had in all grade crossing abolition cases, and extinguished all rights which had accrued to any of the parties.

The City Solicitor of the city of Leominster in a somewhat similar case argued that section 14, above mentioned, automatically precluded the railroad from re-imbursement by commonwealth and the city of their proportionate shares of the expense. I believe his reasoning to be unsound. In my judgment, such provision would be unconstitutional in that it would deprive the railroad of its property without compensation.

It was suggested by Judge Whiting that all the parties, in both cases, confer for the purpose of reaching an agreement which will take the place of the auditor's report, otherwise an auditor must be appointed and additional expense will thereby be incurred. The conference will be held at the Attorney General's office on March twenty-third, at 3:00 p.m. I shall report to you immediately thereafter.

The court further suggested that if after the filing of the auditor's report or the agreement of the parties, commonwealth and the city of Leominster insisted upon their contention that the railroad was not entitled to re-imbursement, that he might report one of the cases to the Supreme Judicial Court for determination. In the event that the matter should be reported to the Supreme Judicial Court for determination, I shall suggest that the Leominster case be reported as there is more money involved in that case than there is in the Southborough case.

If there is anything further which you or the other members of the Board of Selectmen desire to know in connection with this case, will you please telephone me and I will arrange to meet you at your convenience.

Very truly yours,

Edward T. Simoneau

ETS:D

W. R. R.

EDWARD T. SIMONEAU
COUNSELLOR AT LAW
MARLBOROUGH, MASS.
7-8 COREY BUILDING

April 24th, 1936

Dr. Charles M. Proctor,
Southborough,
Mass.

Re: Southborough-Elimination of grade crossing

Dear Dr. Proctor:

On April 22nd, 1936, the above matter was submitted to Mr. Justice Whiting of the Superior Court, Worcester County, for decision upon a stipulation, a copy of which I enclose herewith. The court took the matter under advisement. I expect that a decree will be made and entered shortly.

You will note in paragraph 3 of the stipulation that the railroad is to receive no interest on the sums alleged to be due from the Commonwealth and the town of Southborough, and also that the railroad "will look directly for reimbursement of 10% by the town of Southborough of the principal sum without interest". Under the provisions of General Laws in force prior to September 1, 1930, the Commonwealth was required to pay 35% of the costs of alterations which include fees of commissioners, in the first instance, and collect ten per cent of such costs from the city or town by including it, in whole or in part, in the state tax for the year in which the payment was made or the succeeding years.

The Assistant Attorney General appearing for the Commonwealth was unwilling to agree that this procedure be observed in this instance, and insisted that the Commonwealth would not under any circumstances pay more than 25% of the amount

Dr. Charles M. Proctor,
Southborough, Mass.

April 24th, 1936

due the railroad should the court find that there is liability on the part of the Commonwealth and the town to pay.

If the court decrees that the railroad is entitled to re-imbursement of the proportionate shares of the Commonwealth and the town, it will be necessary that payment of the proportionate share of the town (10 per cent) be made directly to the railroad.

I shall communicate with you immediately upon receipt of notice from the Clerk of Court of the decision of Mr. Justice Whiting.

Yours very truly,

Edward T. Simoneau

ETS:D

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
in Equity
No. 411

Selectmen of the Town of Southborough,
Petitioners.

STIPULATION

In the above entitled cause the parties hereto, namely, the Commonwealth of Massachusetts, the Town of Southborough, the Old Colony Railroad Company and The New York, New Haven and Hartford Railroad Company, hereby agree and stipulate:

(1) That on or about December 8, 1909, The New York, New Haven and Hartford Railroad Company paid to Eugene C. Hultman the sum of \$700, to Louis A. Frothingham the sum of \$700, and to Samuel W. McCall (who had succeeded Arthur W. DeGoosh) the sum of \$700, the said three persons constituting the grade crossing commission duly appointed in the above entitled cause, and that said payments totaling \$2100 were paid after having been approved by a Justice of the Superior Court. (As appears by photostat copies of bills, and court approval, attached hereto.)

(2) That the said The New York, New Haven and Hartford Railroad Company has not been reimbursed, either in whole or in part, for said payments.

(3) That if the said The New York, New Haven and Hartford Railroad Company is entitled to be reimbursed for a portion of said sum paid as compensation to said commissioners, it is understood then that in no event or under any circumstances will the New York, New Haven and Hartford Railroad Company look to or be

entitled to be reimbursed directly or indirectly from the Commonwealth in a sum greater than 25% on the principal sum without interest; that the New York, New Haven and Hartford Railroad Company shall look directly for re-imbursement of 10% by the town of Southborough of the principal sum without interest.

(4) That no auditor having been appointed for the purpose of saving unnecessary expense and to permit this Court to act all parties hereto waive any question as to procedure and more particularly any reference or submission of said items of expense to an auditor, any approval by such auditor and any acceptance of such auditor's report by the Court; it being the intent of the parties hereto that this Court upon this stipulation shall have the power to make, and shall make, such entry, order, or decree as may be proper and lawful finally to dispose of this pending petition.

COMMONWEALTH OF MASSACHUSETTS

By Raymond E. Sullivan,
Asst. Atty. General.

TOWN OF SOUTHBOROUGH

By Edward T. Simoneau

OLD COLONY RAILROAD COMPANY

THE NEW YORK, NEW HAVEN AND
HARTFORD RAILROAD COMPANY

By A. W. Blackman

SUPERIOR COURT AT WORCESTER

Session without Juries

The following list of Petitions brought for the abolition of grade crossings will be called on

TUESDAY, FEBRUARY 11, 1936 at 10 A.M.

it is expected that counsel interested in the matters involved will be present.

- 6 Selectmen of Athol (Pet.)
Town Solicitor v. Fitchburg Railroad Company
- 8 Mayor & Aldermen of Fitchburg (Pet.)
City Solicitor v. Fitchburg Railroad Company
et als Attorney General
- 10 Selectmen of Millbury (Pet.)
Town Solicitor v. Providence & Worcester R.R.Co.
et als
- 24 Selectmen of Blackstone (Pet.)
Town Solicitor v. N.Y., N.H. & H.R.R.Co. et als
Attorney General
- 25 Selectmen of Blackstone (Pet.)
Town Solicitor v. New England Railroad et al
Attorney General
- 26 Selectmen Town of Gardner (Pet.)
Town Solicitor v. Fitchburg Railroad Co. et al
Attorney General
- 28 Selectmen Town of Leominster (Pet.)
City Solicitor v. N.Y., N.H. & H.R.R.Co. et als
Attorney General
- 36 Selectmen Town of Northbridge et ali (Pet.)
Town Solicitor v. N.Y., N.H. & H.R.R.Co. et al
Attorney General
- 42 Selectmen of Gardner (Pet.)
City Solicitor v. Fitchburg Railroad Company
Attorney General
- 43 Selectmen of Auburn (Petr.)
Town Solicitor v. Norwich & Worcester R.R.Co.
et als
- 54 Mayor & Aldermen City of Fitchburg (Pet.)
City Solicitor v. Fitchburg Railroad Company
et als Attorney General
- 55 Mayor & Aldermen City of Fitchburg (Pet.)
City Solicitor v. Fitchburg Railroad Company
et als Attorney General

- 56 Selectmen of Northboro (Pet.)
v. Old Colony Railroad Company
et als
Town Solicitor Attorney General
- 124 Selectmen of Holden (Eq.)
v. Fitchburg Railroad Company
et al
Town Solicitor Attorney General
- 168 Mayor & Aldermen of City of Worcester (Pet.)
v. Boston & Albany Railroad
Company et als
City Solicitor Attorney General
W. H. Coolidge
C. A. Hight
Storey, Thorndike, Palmer &
Dodge
G. H. Fernald, Jr.
- 411 Selectmen Town of Southborough (Petr.)
v. N.Y., N.H. & H.R.R.Co.
Town Solicitor Attorney General
- 451 Selectmen Town of Southborough (Petr.)
v. N.Y., N.H. & H.R.R.Co. et al
Town Solicitor Attorney General
- 2176 Selectmen Town of Leominster
v. N.Y., N.H. & H.R.R.Co. et als
City Solicitor Attorney General
- 2496 Selectmen Town of Clinton
v. Boston & Maine Railroad et als
Town Solicitor Attorney General
Coolidge & Hight
- 4164 Mayor & Aldermen City of Fitchburg
v. Vermont & Mass. R.R.Co. et als
City Solicitor Attorney General
Coolidge & Hight
- 4340 Directors of New England Railroad Co.
v. Town of Blackstone et al
Attorney General
Town Solicitor
- 8131 Selectmen Town of Holden
v. Fitchburg Railroad Co. et al
Town Solicitor Thayer, Smith & Gaskill
- 11449 Selectmen Town of Webster
v. Norwich & Worcester Railroad
Co. et al
Town Solicitor Attorney General

February 8, 1933.

Mr. S. J. Polson
Assistant Track Superintendent
N. Y. N. H. & H. R. R. Co., Agent.

Dear Sir:

In regard to your memorandum of December 24th to W. P. M., we wish to advise that the pipes have been removed from your land but the cistern has not been filled as it is made of concrete and there is no danger from it.

I understood from the railroad sometime ago that it would not be necessary to fill the cistern.

Very truly yours,

Chairman.

AWH:K

Framingham, Mass., December 24, 1932

W.P.M.

In 1923 the Town of Southboro was given permission to locate a cistern and pipe line on the railroad land on the east side of track in front of Southboro Station. This was covered by usual form of agreement and I am now advised that the Town desires to cancel the lease. The townunder Mr. Alfred W. Howes, Chairman, Town of Southboro, are to make arrangements to fill in the cistern and remove the pipe.

Please advise if this has been done and if not when they expect to do it.

S. J. Polson,
Asst. Track Supr.

*Done & filed
A.W.H.*

August 30, 1932.

N. Y. N. H. & H. R. R.,
Room 325
New Haven, Conn.

Gentlemen:

A short time ago we received a bill from you numbered 854-5-510 for rent of a cistern and pipe east of the railroad station in the Town of Southborough.

This land was rented for the purpose of installing a cistern to use in case of fire, but two years ago we installed a water system which is ample for the purpose and we now have no further need of the cistern or land and if possible, would like to cancel the lease.

Will you please advise us what steps we should take to bring about this end.

Very truly yours,

Chairman.

AWH:K

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

L. GALLUP

CONTRACT AGENT

NEW HAVEN, CONN., October 21, 1932

Alfred W. Howes, Chairman,
Town of Southborough,
Southborough, Mass.

Dear Sir:-

Supplementing my letter of September 13th, regarding lease for location of a cistern and pipe line on land of the Railroad Company at Southborough, Mass.

I am advised by Mr. Warren that investigation develops that the cistern is built of brick walls with a stone top and is now entirely covered with dirt, in view of which there is no necessity for filling the cistern in, as there is no danger of injury if this is not done.

In view of this and understanding that the Town will remove the pipe line from railroad property without expense to us, and leave our premises in a satisfactory condition, we will arrange to cancel your lease as of the date to which rental has been paid.

Very truly yours,

A handwritten signature in cursive script, appearing to read "L. Gallup", written in dark ink.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

R. L. GALLUP

CONTRACT AGENT

NEW HAVEN, CONN., - September 13, 1932

Alfred W. Howes, Chairman
Town of Southborough
Southborough, Mass.

Dear Sir:

Referring to your letter of August 30th which I regret has not been previously acknowledged, regarding lease for location of a cistern and pipe line on land of the Railroad Company at Southborough, Mass.

Understanding the Town has no further use for this cistern and pipe line, the Railroad Company is entirely willing to cancel the lease which was signed to cover the encroachment provided you will work out some satisfactory scheme with Mr. W.D. Warren, our Maintenance Engineer at Boston, for the filling in of this cistern and the removal of the pipe line.

Am sending a copy of this letter to Mr. Warren, asking him to get in touch with you regarding this and upon receipt of his advice that satisfactory arrangement has been made, we will cancel the lease effective the date to which the rental has been paid.

Yours very truly,



November 21, 1931

N. Y., N. H. & H. R. R.
South Station
Boston, Massachusetts

Gentlemen:

Some time ago we discussed with you, the question of the grade crossing in Southborough Centre and your agent agreed to put a slow order on freight trains passing over the crossing at night when there is no crossing tender on duty.

Lately, the trains have been passing through here at a speed far in excess of anything within reason. Only supernatural force has prevented several accidents during the past month and no doubt the powers exerting such force would appreciate your cooperation but running your trains more slowly when the crossing is unprotected.

Very truly yours,

Chairman.

May 22, 1931.

Memorandum:

I talked with Mr. O'Hanlan, division superintendent of the New York, New Haven and Hartford Railroad today concerning flash signals on a grade crossing in Southborough and Fayville. He said there are but two freight trains a day which cross the crossing during hours when there is no gate-man in attendance. One train, north bound, crosses at about 11:30 to 12:30, goes to Marlborough junction and returns within one half hour or so. He said that to install flash signals, would cost \$3500.00 at each crossing and it would be necessary to have the equipment examined daily as well as to have the batteries recharged often. He said that he could not see how the railroad could justify itself in this additional expense in view of the amount of railroad traffic and especially as there is no prospect of the traffic increasing. He suggested that a "slow order" limiting speed of freight trains to 10 miles an hour or less would amply take care of the situation. I told him I thought such an order would take care of the condition if the order were enforced, but I feel that if such an order were put in to effect, it would work well for a short time and then the train crews would soon forget it. He said the order would be put in effect at once and asked me to communicate with him after taking up the matter with the Board of Selectmen.

A. W. Howes.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

Boston, Mass., May 13, 1931.

File 2-2

Town of Southborough,
Selectmen's Office,
Southborough, Mass.

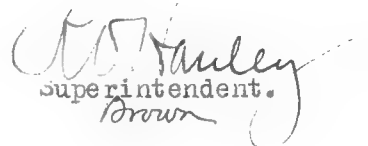
Attention of Mr. Alfred W. Hewes,
Chairman.

Gentlemen:

I have your letter of May 5th in regard to a condition which you advise exists at Main Street Crossing after the Crossing Tender leaves his work at about 6 P.M.

I shall be glad to have our Mr. W. A. Hurley call upon you in the very near future to discuss this matter.

Yours very truly,


Superintendent.
Towner

May 5, 1931

New York, New Haven & Hartford Railroad Co.
South Station
Boston, Massachusetts

Gentlemen:

In the Town of Southborough at the Main Street crossing of your railroad, there exists a very dangerous condition after your gate tender leaves his work at about 6:00 p.m. There are several freight trains which cross Main Street at grade at a rate of speed which is extremely dangerous to automobiles, the drivers of which, are unfamiliar with the road.

At a number of crossings, we have seen red signal lights which flash at the approach of a train and we feel sure that if such lights were installed on this crossing, it would make traffic on Main Street comparatively safe.

We assume that the cost of installation of such lights would not be great and should like to discuss the matter with you sometime at your convenience.

Yours very truly,

Chairman.

January 17, 1931

New York, New Haven & Hartford Railroad Co.
Superintendent of the Midland Division
South Station
Boston, Massachusetts

Gentlemen:

File 2-8.

On December 17, 1930, you advised us that two signs, one on the east side and one on the west side of Worcester Street in the Town of Southborough, were in need of painting.

We requested our superintendent of streets to take care of the matter and were informed that these signs are in Framingham and should be taken care of by that town.

Yours very truly,

Chairman, Board of Selectmen
Town of Southborough, Mass.

January 5, 1931

New York, New Haven, & Hartford Railroad Co.
South Station
Boston, Massachusetts

Attention: Mr. R. O. Hanley
Re: Your file 2-8

Dear Sir:

Thank you for yours of December 17th, calling our attention to the condition of the sign on the east and west side of Worcester Street.

We have given the matter our attention.

Yours very truly,

Chairman, Board of Selectmen
Town of Southborough, Mass.



TOWN OF SOUTHBOROUGH

SELECTMEN'S OFFICE

SOUTHBOROUGH, MASS.

January 3, 1931

Mr. Amos J. Toombs
Southborough, Mass.

Dear Amos:

The New York, New Haven & Hartford Railroad Company advised us that the signs at the grade crossing, one on the easterly side and one on the westerly side of Worcester Street are in need of painting.

Will you please take care of this condition.

Yours very truly,

Wm. W. Howes
Chairman, Board of Selectmen
Town of Southborough, Mass.

1/16/31

*Mr. Toombs says there is no light
to be seen here*

January 3, 1931

Mr. Amos J. Toombs
Southborough, Mass.

Dear Amos:

The New York, New Haven & Hartford Railroad Company advised us that the signs at the grade crossing, one on the easterly side and one on the westerly side of Worcester Street are in need of painting.

Will you please take care of this condition.

Yours very truly,

Chairman, Board of Selectmen
Town of Southborough, Mass.

May 5, 1931

New York, New Haven & Hartford Railroad Co.
South Station
Boston, Massachusetts

Gentlemen: ✓

Sometime during the winter, an automobile travelling from Marlborough to Southborough on Marlborough Road, so called, struck a fence which we understand, was built and is maintained by your company, with a result that a large part of the fence was destroyed.

This fence is located on the easterly side of the road on the northerly side of your bridge, which bridge is located about three quarters of a mile south of Marlborough junction.

We would greatly appreciate it if you would take steps to repair the fence as we understand in the original grant of the railroad, there was a provision that the company would build and maintain the fence.

Yours very truly,

Chairman.

Railway

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

Office of Maintenance Engineer,
Room No. 470 South Station.
Boston, Mass.

August 13th, 1931.

Town of Southboro,
Selectmen's Office,
Attention:- Mr. Alfred W. Howes,
Chairman.

Dear Sir:-

This will acknowledge receipt of your letter of August 10th, calling our attention to several loose boards or planks on the bridge over our right-of-way which crosses the road between Marlboro and Southboro.

Will see that steps are taken to remedy this condition at once.

Yours truly,

KFR/LFM

W.D. Warren,
Maintenance Engineer.

By

W.D. Richardson

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

Office of Maintenance Engineer,
Room No. 470 South Station.
Boston, Mass.

October 8, 1931.

Town of Southboro,
Selectmen's Office,
Attention:- Mr. Alfred W. Howes,
Chairman.

Dear Sir:-

Further reference to my letter of August 13th,
relative to several loose boards or planks on the bridge
over our right of way which crosses the road between
Marlboro and Southboro.

We find that it was necessary to renew several
ten inch planks on this bridge, which work was completed
October 2nd.

Yours truly,

KFR/LFM

W.D. Warren,
Maintenance Engineer.

By *W.D. Richardson*

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

Taunton, Mass., August 17, 1928.

A-1

Charles F. Choate, Esq.,
Chairman Board of Selectmen,
Town of Soughborough,
30 State Street,
Boston, Mass.

Dear Sir:

On April 16th I wrote you relative to the possibility of your Board approving the substitution of highway flashing signals in place of crossingmen at Southboro and Fayville grade crossings, and would ask if any decision has been arrived at.

As previously stated, I would like very much to install these signals at Fayetteville first, as from our experience with this class of flashing light, which affords twenty-four hour protection, the result has been very satisfactory.

Trusting I may hear from you on
this matter, I am,

Truly yours

Superintendent

August 27, 1928

H. E. Astley, Superintendent,
New York, New Haven & Hartford R.R. Co.,
Taunton, Massachusetts

Dear Sir:

I have yours of August 17th in regard to
flashing signals at Southborough and Fayville.

I will bring this up at our next meeting
which is Friday, September 7th.

Very truly yours,

CFC*OJL

Chairman: Board of Selectment,
Address: 30 State Street,
Boston, Massachusetts

Town of Southborough.
Selectman's Office.

August 18, 1928

A-1,

Superintendent,
The New York, New Haven
& Hartford Railroad Co.,
Old Colony Division,
Taunton, Massachusetts

Dear Sir:

In Mr. Choate's absence I beg to acknowledge receipt of your letter of August 17th.

Mr. Choate is away at present but will return to the office on August 27th at which time your letter will be called to his attention.

Very truly yours,

Secretary.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
CENTRAL NEW ENGLAND RAILWAY COMPANY

Southboro, Mass., Nov. 17th, 1928.

Chairman,
Board of Selectmen,
Southboro, Mass.

Dear Sir:

At recent inspection of conditions affecting the
railroad crossing at Southboro, Mass., it was noted that the distant
warning sign (just east of the crossing) was missing.

My records show that a sign was placed to warn those
approaching the crossing from the parallel highway, east side, and
at the expense of the railroad company.

The rule is, that the first installation is to be made
at the expense of the railroad company, and replacements at the
expense of the town.

I would request the town to authorize the railroad
company to replace the missing sign at the expense of the town of
Southboro, Mass.

Very truly yours,

A. B. Richmond
Track Supervisor.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
CENTRAL NEW ENGLAND RAILWAY COMPANY

Taunton, Mass., March 20, 1928
A-1

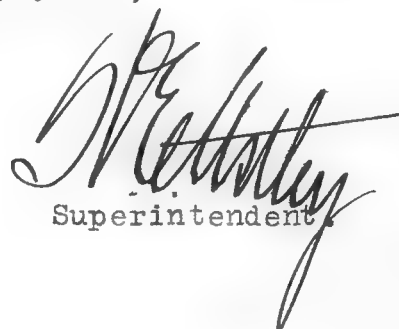
Mr. Charles F. Choate,
Chairman, Board of Selectmen,
Town of Southborough,
30 State Street,
Boston, Mass.

Dear Sir,-

I refer to your letter of February 18th, 1928, calling attention to fence requiring repairs in your town, and would state that necessary repairs were completed on March 14th.

The Division Engineer, in reporting this matter calls attention to condition of over-head bridge No. 7.96, Westboro Road, about three miles south of Southborough Station, which I understand requires repairs on the wearing surface, as well as the fence leading to same, which bridge and approaches, I understand, are maintained by your town, and I know you will desire to have same cared for.

Truly yours,


Superintendent

HEA-M

Southboro

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

ACCOUNTING DEPARTMENT

NEW HAVEN, CONN. February 17, 1926

SUBJECT:- Bill 58330 - Amount \$27.75
Town of Southboro, Mass.

File G

Mr. Charles F. Choate 3d,
Choate Hall & Stewart,
30 State St.,
Boston, Mass.

Dear Sir:-

Under date of February 1st I wrote you advising that the posts for the distant warning signs furnished the town of Southboro were forwarded by our Storekeeper on January 25th, in NH Car 63745.

I trust you are now in a position to handle this bill for prompt payment. Kindly advise when we may expect same.

Yours truly,

F. H. PALMER,

Auditor of Miscellaneous Accounts

LMH-H

By *LMH*

Feb. 18, 1926.

New York, New Haven & Hartford R.R.Co.,
Accounting Department,
New Haven, Conn.

Subject: Bill - 58330 - Town of
Southboro, Mass.

Gentlemen:

I have your letter of February 17 and
as soon as I have checked up from information
contained therein I shall transmit the bill
approved for prompt payment.

Very truly yours,

CFC3-A

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

ACCOUNTING DEPARTMENT

NEW HAVEN, CONN. Feb. 1, 1926

SUBJECT:- Bill 58330 - Amount \$27.75
Town of Southboro, Mass.

File G

Mr. Charles F. Choate 3d,
Choate Hall & Stewart,
30 State St.,
Boston, Mass.

Dear Sir:-

In further reference to your letter of January 11th relative to the above mentioned bill rendered the Town of Southboro for three distant warning signs, you claiming that only parts of these signs had arrived.

Our Storekeeper now advises that on January 25th the posts in connection with these signs were forwarded the Town of Southboro in NH-Car 63745. I presume these have at this time been received and that you will now have our bill placed in line for early payment.

Yours truly,

F. H. PALMER,

Auditor of Miscellaneous Accounts

LMH-H

By *LMH*.

Southboro

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

ACCOUNTING DEPARTMENT

NEW HAVEN, CONN. January 12th, 1926

File "G"

Subject: Town of Southboro, Mass. -
Bill No. 58330-\$27.75 - Unpaid

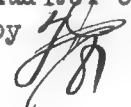
Choate, Hall & Stewart,
Mr. Chas. F. Choate, 3rd,
30 State Street,
Boston, Mass.

Dear Sir:-

We are referring your communication of January 11th in regard to our bill No. 58330 rendered the Town of Southboro, Mass., for 3 distant warning signs in the amount of \$27.75, to department originating it for investigation, and when reply is received, we will write you further.

Yours very truly,

F. H. PALMER

Auditor of Miscellaneous Accounts.
by 

FJD-L

Jan. 11, 1926.

New York, New Haven & Hartford Railroad Co.,
New Haven, Conn.

Re: Bill #58330 - Dept. No. 20503

Gentlemen:

I have at hand a bill from you dated November, 1925, for three distant warning signs for the Town of Southborough, Massachusetts. Parts of these signs have arrived in Southborough but they are not complete and I have not authorized the payment of this bill until all parts of the signs have been delivered.

Very truly yours,

CFC3-A

myself

Southboro, Mass. April 2, 1926.

Selectmen of the Town of Southboro, Mass.

Dear Sirs-

Per request of the New York New Haven and Hartford Railroad Bridge and Building Dept., to close Marlboro Road to renew bridge number 554 about one mile north of Southboro station.

Work will take about one week from April 8th., 1926. We will put out necessary fences and signs, and protect nights by red lanterns.

Yours truly

William Carlstein

Foreman Bridge and Building Dept.

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
CENTRAL NEW ENGLAND RAILWAY COMPANY

Taunton, Mass., July 29th, 1926.

Mr. Charles F. Choate, 3rd,
Selectman of Town of Southboro,
30 State Street,
Boston, Mass.

Dear Sir:-

Your letter of July 6th to Mr. Rippey has been referred to me, in connection with needed repairs to overhead highway bridge in the west end of Southboro, Mass., near the O'Connell place known as Railroad Bridge #7.96, (Westborough Road).

On July 12th, 1926 a representative of the Bridge Department made an inspection of the bridge in question and found that the stringers and girders were in good condition and no repairs required. The 3" plank which has a coating of asphalt was found to be in poor condition and renewals necessary. The fences on the approach to bridge on either side were found to be in rather poor condition and repairs needed. Our records indicate that the Town of Southboro maintains the fence on the Bridge as well as the 3" plank on the roadway and the Railroad Company maintains the stringers. On September 7th, 1920 the Town laid 3" plank and asphalt coating on this bridge and on July 14th, 1923 our Company renewed the stringers and the Town replaced the 3" plank floor. Therefore the Town of Southboro maintains the planking in the Roadway as well as all fences on bridge and approaches leading thereto. The Railroad Company maintains the stringers.

If you will advise me the date that the Town will renew the wearing surface on this bridge I will be glad to have a representative from this department on hand to make further inspection of the stringers after the flooring has been removed.

Yours truly,

S. A. Kinsie
Division Engineer.

SAK-SL

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
CENTRAL NEW ENGLAND RAILWAY COMPANY

Taunton, Mass., July 29th, 1926.

Mr. Charles F. Choate, 3rd,
Selectman of Town of Southboro,
30 State Street,
Boston, Mass.

Dear Sir:-

Your letter of July 6th to Mr. Rippey has been referred to me, in connection with needed repairs to overhead highway bridge in the west end of Southboro, Mass., near the O'Connell place known as Railroad Bridge #7.96, (Westborough Road).

On July 12th, 1926 a representative of the Bridge Department made an inspection of the bridge in question and found that the stringers and girders were in good condition and no repairs required. The 3" plank which has a coating of asphalt was found to be in poor condition and renewals necessary. The fences on the approach to bridge on either side were found to be in rather poor condition and repairs needed. Our records indicate that the Town of Southboro maintains the fence on the Bridge as well as the 3" plank on the roadway and the Railroad Company maintains the stringers. On September 7th, 1920 the Town laid 3" plank and asphalt coating on this bridge and on July 14th, 1923 our Company renewed the stringers and the Town replaced the 3" plank floor. Therefore the Town of Southboro maintains the planking in the Roadway as well as all fences on bridge and approaches leading thereto. The Railroad Company maintains the stringers.

If you will advise me the date that the Town will renew the wearing surface on this bridge I will be glad to have a representative from this department on hand to make further inspection of the stringers after the flooring has been removed.

Yours truly,

E. A. King
Division Engineer.

SAK-SL

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
CENTRAL NEW ENGLAND RAILWAY COMPANY

Taunton, Mass., June 9th, 1926

File: 3549

Mr. Charles F. Choate, 3rd,
30 State Street,
Boston, Mass.,

Dear Sir:--

Referring to your letter of June 5th, calling attention to the old lumber left on the ground at the time repairs were made to the overhead bridge just north of Southboro, and also requesting that a board fence be repaired at point where damaged by a recent grass fire.

This will be taken care of immediately.

Very truly yours,



Supervisor, Bridges & Buildings

June 5, 1 26.

New York, New Haven & Hartford R.R.Co.,
Taunton, Mass.

Attention: Supt. of Bridges

Gentlemen:

On behalf of the Town of Southborough I should like to call your attention to the fact that a pile of old lumber was left near the highway following your repairs to the bridge on the Marlboro Road in Southborough. This is a menace at the present time and should be removed.

I should also like to call your attention to the fence on the left-hand side of the road, approaching the bridge in the direction of Marlboro, which has been burned down by recent grass fire leaving that side entirely unprotected. It is our understanding that you are responsible for the maintenance of this fence. Will you please give the matter your attention and see that it is repaired as soon as possible?

Very truly yours,

Selectmen, Town of Southborough,
Address: 30 State St.
Boston, Mass.

CFC3-A

CLASS OF SERVICE DESIRED	
TELEGRAM	<input checked="" type="checkbox"/>
DAY LETTER	<input type="checkbox"/>
NIGHT MESSAGE	<input type="checkbox"/>
NIGHT LETTER	<input type="checkbox"/>
Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM	

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

Form 1206A

NO.	CASH OR CHG
CHECK	
TIME FILED	

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Boston, Mass., April 8, 1926.

J. L. RIPPEY
C/O NEW YORK, NEW HAVEN & HARTFORD RAILROAD
TAUNTON, MASS.

YOUR SUPERINTENDENT SOUTHBORO REFUSES TO PUT UP DETOUR SIGNS.
PLEASE GIVE HIM PROPER INSTRUCTIONS AS PER YOUR LETTER OF
APRIL FIFTH.

CHARLES F. CHOATE, 3RD.

(Charge: Choate, Hall & Stewart,
30 State St., Boston)

*Tel. call in response
from Mr. Rippey's office at
2:55 p.m. April 8 - 1 m.
Rippey absent - but detour signs will go
forward on first train to Southboro tomorrow
morning 9 - April 9 - 1925 - O F C II*

April 6, 1926.
April 6, 26.

Supervisor, Bridges & Buildings,
New York, New Haven & Hartford R.R.Co.,
Taunton, Mass.

Re: File No. 3549

Dear Sir:

I have your letter of April 5.

The method of guarding the bridge which you indicate is satisfactory to us and our consent to the closing of the road for not over a week is hereby given.

I am sending a copy of this letter to your local foreman in Southborough and will go over the matter with him.

Very truly yours,

Selectman, Town of Southborough
Address: 30 State St.
Boston, Mass.

CPC3-A

Southboro

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY

CENTRAL NEW ENGLAND RAILWAY COMPANY

OFFICE OF SUPERVISOR, B. & O.
TAUNTON, MASS.

Taunton, Mass., April 5th, 1926.

File: 3549

Mr. Charles F. Choate, 3rd,
30 State Street,
Boston, Mass.,

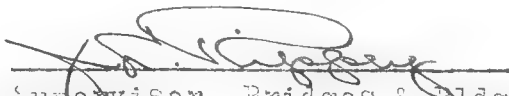
Dear Sir; --

I have your letter of April 3rd, advising that the Selectmen of the Town of Southboro have consented to close the bridge on Marlborough Road (our No. 5.54) during reconstruction, this consent to be effective after approval has been given concerning the guarding of the approaches to the bridge and placing of proper warning and detour signs.

We will erect at points suitable to the Board of Selectmen signs reading - "Bridge Closed - No Passing Through" - lights will be hung on these signs during the night. We will also place at points suitable to the Selectmen proper detour signs to direct the traffic.

Will you please advise me of your approval of the above.

Very truly yours,


Supervisor, Bridges & Bldgs.

April 3, 26.

Supt. of Bridge Construction,
N.Y., N.H. & H. RR. Co.,
Taunton, Mass.

Dear Sir:

The Selectmen of the Town of Southborough
voted at a meeting held last evening (April 2) as
follows:

" To consent to a closing of Marlborough
Road by the N.Y., N.H. & H. Railroad Co.
during construction of overhead bridge
upon proper assurance by them that it
will be properly guarded and proper
notices placed. "

This consent will not be effective until I have
received from you in writing the expression of what
you intend to do concerning the guarding of the
approaches to the bridge and the placing of proper
warning and detour signs and have approved of the
same.

Very truly yours,

Selectman, Town of Southborough,
Address; 30 State St.
Boston, Mass.

CFC3-A

Oct. 3, 1925.

New York, New Haven & Hartford R.R.Co.,
Taunton, Mass.

Attention: Mr. Goldberg

Gentlemen:

Will you please refer to your letter of August 14 to me regarding warning signs at the crossing in Southborough?

The Selectmen have authorized me to ask you if you will furnish the required signs and also attend to the painting of the present signs which I understand you are willing to do at cost.

Kindly send the bill to us when completed.

Very truly yours,

CFC3-A

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
CENTRAL NEW ENGLAND RAILWAY COMPANY

Taunton, Mass., August 25, 1925.

Charles F. Choate 3rd, Esq., A-2
Choate, Hall & Stewart,
30 State Street,
Boston, Mass.

Dear Mr. Choate:

Again relative to your favor of the 11th inst.
and in connection with the condition of Central Street
crossing, Fayville.

Would advise that our Division Engineer under
date of August 21st advises that this condition has been
corrected.

Very truly yours,

H. A. Moynihan,
Superintendent.

RSH-FAM

by; *R. J. Harvey*

C O P Y (original sent to R.H.Oveson)

Southboro

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY
CENTRAL NEW ENGLAND RAILWAY COMPANY

Taunton, Mass., August 14, 1925.

A-3

Charles F. Choate, 3rd., Esq.,
c/o Choate, Hall & Stewart,
30 State Street,
Boston, Mass.

Dear Mr. Choate:

I am in receipt of your favor of the 11th inst., with regard to railroad warning signs at Main and Central Streets, Southboro; also calling attention to the condition of the grade crossing at Fayville.

We have had our Track Supervisor look into the subject of the crossing warning signs and he reports that one sign is missing at Main Street and one at Central Street. The remaining three signs at each of the two crossings named, are in need of painting.

If the town of Southboro is not in possession of the painted round disc signs marked "RR" we can probably secure them for the town at cost price, they to furnish the posts, also any painting necessary.

With regard to the condition of Central Street, Fayville, we have taken the matter up with our Track Supervisor to have the condition as reported by you, remedied promptly.

Thanking you for calling these matters to my attention, I am,

Yours truly,

H.A. Moynihan

Superintendent.

By (signed) M. Goldberg

Southworth

Aug. 18, 1925.

Raymond H. Oveson, Esq.,
15 State St.,
Boston, Mass.

Dear Ray:

Enclosed you will find the papers you sent me, which I have signed.

I probably will be unable to attend the Selectmen's meeting on Friday night as I expect to be out of town.

You will also find enclosed a letter which I have received from Mr. Goldberg in regard to the crossing signs at Main and Central Streets. If you will authorize me to do so, I will write him and order the necessary sign for Main Street and Central Street and the re-painting of the other three signs. You will note that they are going to remedy the condition of the crossing in Fayville.

Very truly yours,

CFC3-A

August 11, 1925

New York, New Haven & Hartford Railroad Company
Taunton
Massachusetts

Attention of Mr. Goldberg

Gentlemen:

The selectmen of the town of Southboro have requested me to get in touch with you concerning the matters referred to in your letter of July 23d, in respect to the railroad warning signs on Main Street and Central Street in Southboro.

I should be pleased if you would call to my attention exactly what signs are missing or need painting.

It has been noticed by the selectmen that the grade crossing on Central Street in Fayville is in bad condition, and that there is a considerable bump at that point. We should like to take up with the proper authorities of the Railroad the matter of having this repaired. Will you be kind enough to let me hear from you about it?

Very truly yours,

CFC3-RW

Selectman,
Town of Southboro

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
CENTRAL NEW ENGLAND RAILWAY COMPANY

Taunton Mass., July 23, 1925

A-3

Selectmen
Town of Southboro
Southboro, Mass.

Gentlemen,-

With reference to the standard "R-R" warning signs, which are erected on the highways approaching all grade crossings, which signs were originally furnished by the Railroad Company, the maintenance and renewal of which is to be cared for by the municipality in which they are located.

The Inspector of the Public Utilities Department, State of Massachusetts, has called attention to the importance of these signs being properly maintained and as a matter of safety I would call your attention to signs missing, or requiring attention, at the following points and I would ask if you will have same given attention.

If you are not in possession of the painted round disk marked " R-R" I can probably secure same for you at cost price, you to furnish the posts, also any painting necessary that is required.

Main Street
Central Street.

Your attention is called to my letter of June 17th, bearing on this subject.

Truly yours,

H. A. Moynihan
Superintendent

By

W. Goldberg

THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY
CENTRAL NEW ENGLAND RAILWAY COMPANY

NEW HAVEN, CONN.

C. L. BARDO,
GENERAL MANAGER

August 30, 1923

File 5281

Oveson, Halloran, Burnham & Draper
15 State Street,
Boston, Mass.

Gentlemen:-

Herewith lease to the Town of Southboro, Mass.
covering a pipe line and cistern on land of the Railroad Co.
southeasterly of Main Street, Southboro, Mass. and carrying an
annual rental of \$5.00.

Very truly yours,

E. L. Taylor
Contract Agent